

Amendment No. 2 to HB1070

Lynn
Signature of Sponsor

AMEND Senate Bill No. 1417

House Bill No. 1070*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 57-4-102(27), is amended by adding the following new subdivision:

() A commercially operated facility that:

(i) Operates a restaurant with seating for approximately fifty (50) patrons, with an extended porch for additional seating;

(ii) Operates an event center that serves as a venue for weddings, concerts, and similar events;

(iii) Is located within one (1) mile of Dale Hollow Lake, and within one hundred feet (100') of the Dale Hollow Quarry;

(iv) Is located on approximately eighty-five (85) acres; and

(v) Is located in a county with a population of not less than seven thousand eight hundred fifty-one (7,851) and not more than seven thousand eight hundred sixty-five (7,865), according to the 2010 or any subsequent federal census;

SECTION 2. Tennessee Code Annotated, Section 57-4-102(13), is amended by adding the following new subdivision ():

() "Community theater" also means a theater possessing each of the following characteristics:

(i) The theater opened on December 9, 1949;

(ii) The theater originally seated approximately one thousand (1,000) persons in spring-covered chairs;

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(iii) The theater reopened in July of 2012, serving as a multifunctional event venue, hosting weddings, concerts, nonprofit events, movies, and musical theatre; and

(iv) The theater is located in a city with a population of not less than twenty-six thousand one hundred ninety (26,190) and not more than twenty-six thousand one hundred ninety-nine (26,199), according to the 2010 and any subsequent federal census;

SECTION 3. Tennessee Code Annotated, Section 57-4-102(31), is amended by designating the existing language as subdivision (A) and adding the following as a new subdivision:

() "Retirement center" also means a facility that contains each of the following characteristics:

(i) The center is located in a county having a population of not less than one hundred fifty-six thousand eight hundred (156,800) nor more than one hundred fifty-six thousand nine hundred (156,900), according to the 2010 federal census or any subsequent federal census;

(ii) The center will consist of recreational areas, a fitness center, a dining room with seating for at least one hundred fifty (150) people and a lounge area, and at least one hundred (100) individual living unit apartments;

(iii) The center will have a facility of at least one hundred five thousand square feet (105,000 sq. ft.) and is located on approximately eight (8) acres near the corner of Fort Henry Drive and Holston Hills Drive; and

(iv) The center's lounge area will offer, to the center's residents and their guests only, food, nonalcoholic beverages, mixed alcoholic drinks, wine, and beer, as well as make available in the dining room and other areas within the center's property, for the center's residents and guests only, mixed alcoholic drinks, wine, and beer;

SECTION 4. Tennessee Code Annotated, Section 57-4-102(13), is amended by adding the following as a new subdivision:

(l) "Community theater" also means a theater possessing each of the following characteristics:

- (i) The theater was opened in 1995;
- (ii) The theater's performance hall has seating for at least one hundred twenty (120) patrons;
- (iii) The theater is used for concerts, plays, and programs of cultural, civic, and educational interest;
- (iv) The theater is operated by a not-for-profit corporation that is exempt from taxation under § 501(c) of the Internal Revenue Code of 1954 (26 U.S.C. § 501(c)), as amended, where no member, officer, agent, or employee of the theater is paid, or directly or indirectly receives, in the form of salary or other compensation, any profits from the sale of alcoholic beverages beyond the amount of the salary as may be fixed by its governing body for the reasonable performance of the person's assigned duties. All profits from the sale of alcoholic beverages by the not-for-profit corporation must be used for the operation, renovation, refurbishing, and maintenance of the theater, and in furtherance of the purposes of the organization. Alcoholic beverages may be sold before, during, and after performances, and may be consumed inside any auditorium or performance hall within the theater; and

(v) The theater is located in a county having a population not less than two hundred sixty-two thousand six hundred (262,600) nor more than two hundred sixty-two thousand seven hundred (262,700), according to the 2010 federal census or any subsequent federal census;

SECTION 5. Tennessee Code Annotated, Section 57-4-102(30), is amended by adding the following new subdivision:

() "Restaurant" also means a facility that:

- (i) Began operating on September 5, 2018;
- (ii) Has a seating capacity for patrons of approximately one hundred forty (140);
- (iii) Is located on Hixson Pike within one thousand five hundred feet (1,500') of Dallas Bay on the Tennessee River and within six thousand feet (6,000') of Chester Frost Park;
- (iv) Is approximately two thousand square feet (2,000 sq. ft.); and
- (v) Is located in a county with a population of not less than three hundred thirty-six thousand four hundred (336,400) and not more than three hundred thirty-six thousand five hundred (336,500), according to the 2010 federal census or any subsequent federal census;

SECTION 6. Tennessee Code Annotated, Section 57-4-102(27), is amended by adding the following as a new subdivision:

- (i) A commercially operated facility having all of the following characteristics:
 - (a) The facility is located on approximately twenty-two (22) acres of land;
 - (b) The facility is located less than three (3) miles south of an area designated as a state park consisting of approximately nine hundred (900) acres that is open to the public and adjacent to a state forest having at least nine thousand (9,000) acres;

(c) The facility is located within five (5) miles of Interstate 840 in a county with a population of not less than one hundred thirteen thousand nine hundred fifty (113,950) and not more than one hundred forty thousand (140,000), according to the 2010 federal census or any subsequent federal census;

(d) The facility is approximately fifteen thousand feet (15,000 ft.) east of a private motor racing complex originally constructed in approximately 2001 with a seating capacity of more than ten thousand (10,000);

(e) The facility includes a cabin, pier, bridge, amphitheater, commercial kitchen, shop, pond, hall with an adjacent courtyard, a climate-controlled event center, and a manor constructed in the 1830s having at least seven (7) guest rooms for lodging;

(f) The facility serves as a venue for weddings, meetings, conferences, and events; and

(g) The restaurant at the manor serves breakfast and dinner, and caters for events, with seating for at least forty-five (45) guests. The facility has two event centers that can accommodate at least two hundred (200) guests at each center;

(ii) The premises of any facility licensed under this subdivision (27)() means any or all of the property that constitutes the facility. The licensee shall designate the premises to be licensed by the commission by filing a drawing of the premises, which may be amended by the licensee filing a new drawing. The entire designated premises is covered under one (1) license issued under this subdivision (27)();

(iii) Notwithstanding any provision of chapter 5 of this title to the contrary, the premises of any facility licensed under this subdivision (27)() means for beer permitting purposes any or all of the property that constitutes the facility. The beer permittee shall designate the premises to be permitted by the local beer board by filing a drawing of the premises, which may be amended by the beer permittee filing a new drawing. The

entire designated premises is covered under one (1) beer permit issued under chapter 5 of this title;

(iv) The requirements of § 57-5-105(b)(1) do not apply to any facility licensed under this subdivision (27)(); and

(v) Any facility licensed under this subdivision (27)(), may seek an additional license as a caterer pursuant to § 57-4-102(6);

SECTION 7. Tennessee Code Annotated, Section 57-4-102(27), is amended by adding the following as a new subdivision:

(i) A commercially operated facility having all of the following characteristics:

(a) Is located on Norris Lake;

(b) Has a marina with not less than one hundred seventy (170) slips;

(c) Has not less than seven (7) houses and twenty-two (22) floating houses available for rent;

(d) Has a restaurant with indoor and outdoor seating for at least one hundred seventy (170) patrons;

(e) Does not discriminate against any patron on the basis of age, gender, race, religion, or national origin; and

(f) Is located in any county having a population of not less than forty thousand seven hundred (40,700) nor more than forty thousand eight hundred (40,800), according to the 2010 federal census or any subsequent federal census; and

(ii) The premises of any facility licensed under this subdivision (27)() means any or all of the property that constitutes the facility. The licensee shall designate the premises to be licensed by the commission by filing a drawing of the premises, which may be amended by the licensee filing a new drawing. The entire designated premises is covered under one (1) license issued under this subdivision (27)();

SECTION 8. Tennessee Code Annotated, Section 57-4-102(27), is amended by adding the following as a new subdivision:

- (i) A commercially operated facility having all of the following characteristics:
 - (a) Operates a hotel with sixteen (16) guest rooms, with each floor other than the first floor equipped with a chef's kitchen, living room with a fireplace, and dining table;
 - (b) Operates a catering kitchen for events on the premises;
 - (c) Has event space of over eight hundred (800) square feet located on the first and fourth floors;
 - (d) Is a venue for weddings, dinner parties, business retreats, reunions, and similar events; and
 - (e) Is located in a city with a metropolitan form of government and a population of not less than five hundred thousand (500,000), according to the 2010 or any subsequent federal census; and
- (ii) The premises of any facility licensed under this subdivision (27)() means any or all of the property that constitutes the facility. The licensee shall designate the premises to be licensed by the commission by filing a drawing on the premises, which may be amended by the licensee filing a new drawing. The entire designated premises are covered under one (1) license issued under this subdivision (27)();

SECTION 9. Tennessee Code Annotated, Section 57-4-102(39), is amended by adding the following new subdivision:

- (i) "Urban park center" also includes a facility possessing each of the following characteristics:
 - (a) Is owned, operated, or leased by a municipal or county government, or any agency or commission thereof;
 - (b) Has an outdoor fixed-structure stage utilized as a performance venue;

(c) Provides or leases facilities for concerts, plays, and programs of cultural, civic, and educational interest; and

(d) Is located in a municipality that has authorized the sale of alcoholic beverages for consumption on the premises, in a referendum in the manner prescribed by § 57-3-106, and that has a population of not less than four thousand fifty (4,050) and not more than four thousand fifty-nine (4,059), according to the 2010 federal census and any subsequent federal census; and

(ii) This subdivision (39)() only applies in a city with a population of not less than four thousand fifty (4,050) and not more than four thousand fifty-nine (4,059), according to the 2010 federal census and any subsequent federal census upon the adoption of an ordinance by a two-thirds (2/3) vote of its governing body;

SECTION 10. Tennessee Code Annotated, Section 57-4-102(27), is amended by adding the following new subdivision:

(i) A commercially operated facility that:

(a) Is an event and music venue that holds concerts and hosts a farmers market;

(b) Is located in a building built in the early 1900s by David Hugh Corlette;

(c) Contains a specialty grocery store and offers fresh food service, with seating for approximately eighteen (18) patrons;

(d) Began operating in August of 2018;

(e) Has approximately three thousand three hundred square feet (3,300') of commercial floor space;

(f) Sits adjacent to Horton Highway;

(g) Is within five hundred feet (500') of a community center and artsitorium; and

(h) Is located in a county with a population of not less than one hundred eighty-three thousand one hundred (183,100) and not more than one hundred eighty-three thousand two hundred (183,200), according to the 2010 and any subsequent federal census; and

(ii) The premises of a facility licensed under this subdivision (27)() means any or all of the property that constitutes the facility. A licensee shall designate the premises to be licensed by the commission by filing a drawing of the premises, which may be amended by the licensee filing a new drawing;

SECTION 11. This act shall take effect upon becoming a law, the public welfare requiring it.